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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 IN RE SEAGATE TECHNOLOGY LLC
17 LITIGATION

No. 3:16-cv-00523-JCS

18 STIPULATION AND PROPOSED
19 ORDER VOLUNTARILY DISMISSING
20 PLAINTIFF JOHN SMITH WITHOUT
PREJUDICE PURSUANT TO CIVIL
PROCEDURE RULE 41(a)(1)(A)(ii)

21 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, it is hereby
22 stipulated and agreed, by and between the parties, that John Smith is dismissed as a named plaintiff
23 in the above-captioned action, without prejudice and without costs. The voluntary dismissal is as to
24 John Smith only, and is not a dismissal of the ongoing litigation.

25 In agreeing to this voluntary dismissal, Defendant does not waive its rights under the Federal
26 Rules of Civil Procedure, including Rule 45 and 26, to seek discovery from Mr. Smith as a percipient
27 witness/absent member of the putative class. Similarly, Plaintiffs do not waive their right to seek a
28 protective order under Rule 26 preventing any such discovery.

1 **IT IS SO STIPULATED.**

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3 DATED: August 21, 2017

HAGENS BERMAN SOBOL SHAPIRO LLP

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12 *Attorneys for Defendant*

13 **IT IS SO ORDERED.**

14 DATED: _____

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16 _____
CHIEF MAGISTRATE JUDGE JOSEPH C. SPERO

ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Steve W. Berman, am the ECF User whose identification and password are being used to file the foregoing document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

Dated: August 21, 2017

/s/ Steve W. Berman
Steve W. Berman